G R S App [X 4]

194 -

File No 32-42

Previous References

Serial Nos 7-10

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for

SUBJECT

Reappointment as Oehor peon of the Malkoti municipality & the sweeper after the Oehor peon's post was abolished

to Municipal Manager
Letter No L/12060 & 29 6 43

Makes certain observations and states that it was irregular to have paid the pensioners contribution on the part of the municipality after the incumbent of the post of Oehor peon was given the place of sweeper which is non pensionable

Re-appointment of the Ochor peon of the Melkote Municipality

Continuation Sheet MC File No 32 of 42 Page
Current No

From the Dy Commr, Mandya District
Letter No A5 1992/PR 296/42 43 & 12.4.43
Submits for sanction revised proposals in regard to the case of the Melkote Municipality Ochor peon whose services were dispensed with from 1/32

The Dcs letter dated 20th December 1932 recommending approval of Govt to the proposed re-[post] retrenchment, ~~the Dc~~ dealt with only the ~~appoint~~-of Ochor Mutasaddi but kept vacant. While it is silent on the point of dispensing with the services of the Ochor peon Govt in their orders included this [letter point] also
2) In the face of the ~~facts~~ Govt orders, regularise on the part of the Municipality to have continued the services of the peon without getting the 'order' modified dt 29/1/32 etc.
3) The audit note clearly explains the point and is correct in raising the objection The present proposal amounts to continuing the post of the Ochor peon but with a reduced [permanent] pay-by-one stage
4) The proposal to grant him the pay of Rs 10/- from 1.1.43 may be sanctioned and the irregularity in the intervening period condoned with concurrence
Suggested orders
MKS 21/4/43
5) The point for consideration is whether on the score of the pensionary contribution having been

Continuation Sheet | File No. / Current No | of | Page

paid in respect of the service rendered by the peon as a sweeper in a non-pensionable establishment, he may be treated as temporary worker in a pensionable post. The question of the completion maybe allowed until of this proposal could be sanctioned

Law Secy 21 IV 43

Accs 22-4-43

No 244/42-43 forwarded with compliments to the Comptroller
No 244/4/43 for favour of information with reference to para 5 above
(vide portion marked A on the Bye-laws
D.O.'s letter)

Law Secy to Govt
22/4 Law Dept

No 669/SPL IV 19-5-43

U O No.467/CLAD dated 15-5-43
17

Returned with compliments

The post of the Octroi peon on a pay of Rs 10/- carrying pensionary benefits, having been abolished with effect from 1-7-1932 in accordance with G O No L 4773-4/11 15-32-25 dated 20-1-1933, the incumbent was provided with an appointment as sweeper (non-pensionable) to mitigate the hardship caused to him consequent to his having been thrown out of employment For the services rendered by him as Octroi peon, he is entitled to such gratuity as is admissible under the Mysore Service Regulations

SECY LAW DEPT 13 MAY 43 GOVT SORE

Continuation Sheet | File No / Current No 6264/1 | of | Page (3)

It was obviously through an oversight or mistake that the Municipality continued to pay the pensionary contribution in respect of the abolished post The Municipality is entitled to a refund of this payment

For the reason that contribution was continued to be paid, the post of the sweeper cannot be treated as pensionable in view of the clear ruling to the contrary (Vide para I Appendix C of the M S R)

M Shamanna
Comptroller

CV/18

Cus 19-5-43

If approved the DC Mandya will be informed accordingly

MKS 3/6/43 Yes draft please

416 S Bhys

D/f letter Libd in accordance with.

MKS 12/6/43 to comptroller's opinion, Profle

416 Laws Secy Govt S Bhys

May be approved

Cus 9-6-43

Minutes 2-59

Law Jt C 25 6 43

Cus 26-6-43

Issue

26/6/43 S Bhys

LAW DEPT 9/6/43 FOR O MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Date 10-6-1943 No 10116

TYPING OFFICE 26 JUNE 1943 GEN & P CIT

45 1/4 Reappointment of the actg posn of the Meteorological Asst

Continuation Sheet. File No / Current No 32 of 42 Page

To Mr D.A. Marsden MV

Letter no L12660 & 29-6-43

Marks certain observations and states that there the pilot of the aeroplane cannot be blamed to be praiseworthy

Memo to Air Min no L12661 & 29 6 43

Forwards copy of the above with reference to the note dated 18-5-43.

Proceedings of the Government of His Highness the Maharaja of Mysore

Office of the Deputy Commissioner,
Mandya District,
Dated, Mandya, the 12th April, '43

No. A5 1992/P R 296/42-43

From

Mir Safdar Hussain, Esq , B A.,
Deputy Commissioner, Mandya District,
M a n d y a

To

C Narayanaswamy Naidu, Esq , B.A , B.L.,
Secretary to Government, Law Department,
B a n g a l o r e

REV. SECRETARIAT, 6269, 16 APR 1943, BRANCH

Sir,

Subject:- Audit objection for transfer of peon of the Melkote Municipality from pensionable to non-pensionable service

- - -

Adverting to Government Order I 4773-4/M1 15-32-25 dated 20/24-1-33 sanctioning certain retrenchments of appointments in Melkote Municipality, I have the honour to state as follows -

The Municipal council while taking action on the above G O transferred the octroi peon of the office to the conservancy establishment on a reduced pay of Rs 9/- from 1-7-32. The peon had put in approved service of 10 years Though Government approved of the proposal of the Municipal Council to dispense with the services of the peon from 1-7-32 the Council continued to show the permanent lien of Puttegowda as Octroi poen and also paid pensionary contribution for the post The Assistant Comptroller while auditing the accounts of the Municipality has objected to the transfer of a permanent peon to a non-pensionable service and has suggested that sanction of Government is necessary for the transfer effected to by the Municipal Council It is stated that such a transfer leads to complications at the time of settlement of the pension question.

He has suggested that sanctions of Government has to be obtained on the following 2 points

(i) The permanent pay of the peon for having been reduced from Rs 10/- to Rs 9/- from 1-7-32
(ii) the definite period during which the present arrangement should continue

On a representation of the peon for being restored to his original pay, the Municipal Council have resolved that from Ist January 1943, the pay of the peon may be fixed at Rs 10/- P M

As the comptroller has raised an objection for the changes made by the Municipal Council from 1-7-32 viz , reducing the permanent pay of the peon from Rs 10/- to Rs 9/- and transferring the peon from pensionable service to non-pensionable service, I request you kindly obtain sanction of Government for waiving the audit objection and to treat the peon as having worked in pensionable service for the period he was shown as sweeper since the pensionary contribution has been paid by the Municipality

A copy of the resolution an extract of the audit objection and copy of Government order referred to in para I are enclosed for kind perusal

I have the honour to be,
Sir,
Your most obedient servant

Mir Safdar Hussain
DEPUTY COMMISSIONER,
MANDYA DISTRICT.

SC

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read -

G O No L 2277-85/M1 66-32-40 dated 22nd September 1932 empowering the Deputy Commissiorers of Districts to sanction Expenditure in town and miror Municipalities on account of payment temporarily of allowances not exceeding Rs 10/- a month in each case to permanent employees or others for doing extra work for a period not exceeding one year

2 Correspondence ending with letter No D 3 1649/32-33 dated 20th December '32 from the Deputy Commissioner, Mysore District reporting that as a measure of retrenchment the Melkote Municipal Council has resolved to keep the post of the Octroi Mutsaddi on Rs 17/- per mensem vacant from 3rd October 1932 until the finance of the Municipality improve and that the services of the Octroi peon on Rs 10/- per mensem had been dispensed with from Ist July 1932 and soliciting sanctionto the ~~xxxxxxxxx~~ grant temporarily of an allowance of Rs 5/- per mensem to the Municipal Clerk for attending to Octroi collection work in addition to his own duties.

- - - - - - - -

ORDER No L 4773-4/M1.15-32-25, Dated, Bangalore, 20/24th January 1933

- - -

Sanctioned, The Progress of the Octroi collection work shall be carefully watched

Sd/- M.S. Krishnamachari,
For General Secretary to Government

- - -

"Copy"

Deputy Commissioner,
Mandya District

SC.

Extract of the Note on the audit of the accounts of the Melkote municipality 1932-33

xx xxx xx

Part II Result of current Audit

It was resolved by the Municipal Council in their Resolution on No 10 dated 19-6-~~3~~ 1932 that a peon~~x~~ should be temporarily kept vacant for one year from 1-7-32 owing to the paucity of funds, agreeable to this resolution the Octroi ~~and~~ peon Puttegowda who was permanent on Rs 10/- and had put in about ten years service qualifying for pension was transferred to the non-pensionable conservancy Establishment and was appointed a Jadamali on Rs 9/- per mensem against which appointment he continued, ~~E~~even on the date of Audit The Peon was, however, allowed to retain his lien on his permanent appointment appointment on behalf of which the usual pensionary contribution was continued to be paid during the period ~~x~~ in question. The action of the council was not in order in that the required sanction of Government to the transfer of the peon to an appointment on a pay less than that of his substantive appointment was not obtained Besides his transfer from a pensionable to a nonpensionable appointment on a reduced pay, and his continuance against the latter ~~fa~~ for ~~x~~ indefinite period with a lien on the former will give rise to complications at the time of settling his pension or gratuity either ordinary or compassionate After all these irregularities the saving effected is very small and the arrangement therefore calls for revision

In letter No dated 3-1649/32-33 dated 20-12-32 of the Deputy Commissioner referred to in the preamble of the Government Order No L 4773-4/M1 15-32-25 dated 24-1-~~3~~33 sanctioning the ~~x~~ proposals, made there in to keep certain appointments vacant with municipality as a measure, of retrenchment it is stated that the services of the ~~Octroi~~ Octroi peon on Rs 10/- per mensem had been dispensed with from Ist July 1932 This statement is not supported by any resolution of the~~x~~ Municipal Council not is it, Consistent with the resolution of 19-6-32 referred to in the above para is presumably based on some incorrect or incomplete information, furnished to the Deputy Commissioner under these circumstances the matter may kindly be reported again to Government and their orders obtained as (i) the definite period during which the present arrangement should continue, (1) the permanent~~x~~ pay of the poen having been reduced from Rs 10/- to Rs 9/- from 1-7-42 ~~and~~ ~~x~~

xxx xxxxxxx xxx

Sd S Raghavachar,
Assistant Comptroller,

"Extract "

I A D

(7

Extract

Page 9 Line 6

× × × ×

54 ... 1943 ... ...

(Ed) K Krishnamurthy
President
WC (Kolar Gold Fields)
26-1-43

Extract
Mathrubhumi
for President

Appendix F G —1]

SUBJECT Grant of gratuity to Mr. [illegible] Sweeper of the Malkote Municipality from pensionable to non pensionable service.

Section Mal
File No 32-42
Serial No 10

Diary No of letter replied to

No L/12660

To

General and Revenue Secretariat

( )

the *194*

The Deputy Commissioner, Mandya

Sir

Date of issue 24/6

Signed by

With reference to your letter No. DS 1992/PR 296/42-43 dated 12th April 1943 on the above subject, I am directed to state that the Director has now passed orders carrying pensionary benefits have been abolished with effect from 1st July 1932 in accordance with GO No. L 6773-4/Mal 15-32-2 dated 20th January 1933, the incumbent was granted an appointment as Sweeper (non pensionable) to Malyala

List of enclosures

Copied by

Examined by

Lordship caused to him consequent
[hes having been thrown out of employment. For the services
rendered by him as ocher scon, he is entitled to such gratuit-
ies is admissable under the M S R. of
It is entitled thro' a mistake that the Municipality continued to pay
the pensionary contribution in respect of the above post
of the Municipality is entitled to a refund of the amount so far paid
for the reason that contribution was continued on this body
to be paid, the post of the Sweeper cannot be treated as
pensionable in view of the clear ruling to the contrary
Vide Para 1 Appendix C of the M S R

Thanking etc

Cm 6
for Asst Fy Exptt

Memo L/1266 dt 29/6

A copy of the above is forwarded to the
Comptroller Exptt for the info in connection
with his note No 69/Spl of 1956

By

for Asst Fy Exptt